

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

QUEEN E. ADAMS

PLAINTIFF

V.

CAUSE NO. 5:22-cv-35-DCB-RHW

**FAMILY DOLLAR STORES OF
MISSISSIPPI, LLC, JOHN DOE ENTITIES 1-5.
AND JOHN DOE PERSONS 1-5**

DEFENDANTS

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes Defendant, Family Dollar Stores of Mississippi, LLC and file this its Notice of Removal for this cause from the Circuit Court of Lincoln County, Mississippi, Docket # 22-cv-00040-LS in which it is now pending, to the United States District Court for the Southern District of Mississippi, Western Division. This removal is predicated upon the fact there is diversity of citizenship between the Parties in this litigation and the amount in controversy exceeds the federal jurisdictional amount, exclusive of interest and costs.

1). This case was commenced on January 31, 2022, in the Circuit Court of Lincoln County, Mississippi, in which Plaintiff Requests Trial by Jury in her Complaint (“Complaint”), which was served on Family Dollar Stores of Mississippi, LLC on or about February 3, 2022.

2) On April 28, 2022, Plaintiff responded to Defendant’s Request for Admission admitting that Plaintiff could seek damages in excess of \$75,000.00 with the understanding that her response could establish Federal Diversity Subject Matter Jurisdiction. (Exhibit “A”)

3). This action is one of a civil nature for alleged personal injury. Plaintiff alleges that Defendant was negligent by causing Plaintiff’s injury; having actual knowledge of a

dangerous condition and to warn Plaintiff of that danger; a dangerous condition remained long enough to impute constructive knowledge to the defendant; failure to maintain shelving and/or properly stack boxes to prevent the boxes from falling failure to clean up/repair; failure to maintain the premises in a reasonably safe condition; failure to keep the premises from from defects and hazardous conditions; failure to warn of dangerous and hazardous conditions; failure to correct, eliminate and prevent dangerous and hazardous conditions; failure to protect business invitees from dangerous and hazardous conditions causing Plaintiff to sustain personal injuries.

4). Upon information and belief, Plaintiff is a citizen of the State of Mississippi as alleged in the Complaint.

5). At the time this lawsuit was commenced, Family Dollar Stores of Mississippi, LLC, was incorporated in the State of Virginia with its primary place of business in Chesapeake, VA. (Exhibit “B”). The sole member/shareholder of Family Dollar Stores of Mississippi, LLC, is Family Dollar, Inc. Family Dollar, Inc. is incorporated in North Carolina with its primary place of business in Chesapeake, VA. (Exhibit “C”)

6) On March 21, 2022, an Agreed Order Granting Motion to Dismiss Per Mississippi Rules of Civil Procedure 12(b)(6) was entered by the Circuit for Lincoln County Mississippi dismissing, with prejudice, Dollar Tree Stores, Inc. and Family Dollar Stores of Brookhaven, Mississippi, Inc. (Exhibit “D”)

7) The above-described action is one in which this court has original jurisdiction under the provisions of 28 U.S.C. § 1332. All remaining parties are completely diverse and Plaintiff, under oath, has stated she is seeking damages in excess of \$75,000.00. (Exhibit “A”)

8) The removing Defendant avers that on May 20, 2022, it has filed a Notice of Filing of Removal with the Circuit Court of Lincoln County, Mississippi, pursuant to 28 U.S.C. § 1446(d).

THEREFORE, this Court has jurisdiction over this matter, as the Parties are completely diverse and the amount in controversy exceeds Seventy-Five Thousand and No/100 Dollars (\$75,000).

RESPECTFULLY SUBMITTED, this the 20th day of May, 2022.

**FAMILY DOLLAR STORES
OF MISSISSIPPI, LLC**

By: 

Michael J. Tarleton (MSB # 101812)
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CERTIFICATE OF SERVICE

I, Michael J. Tarleton, attorney for Defendant, do hereby certify that I have this day served via ECF, United States mail or via electronic mail, a true and correct copy of the above and foregoing instrument to all counsel of record.

Brent Hazzard (MSB # 99721)
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bhazzard@1call.org

This the 20th day of May, 2022.



Michael J. Tarleton (MSB 101812)